IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT:	Y. Sawada	CONF. NO.:	3720
U.S. SERIAL NO.:	10/049,315	EXAMINER:	K. Stork
FILED:	February 8, 2002	GROUP:	2178

FOR: ELECTRONIC BOOK CONTENTS RECORDING MEDIUM WITH
ELECTRONIC BOOK CONTENTS RECORDED THEREON,
ELECTRONIC BOOK TRANSMISSION APPARATUS AND
ELECTRONIC BOOK DISPLAY APPARATUS

Mail Stop Appeal Brief—Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

This is an appeal from the final rejection of claims 1-22, as included in the Final Office
Action mailed by the U.S. Patent and Trademark Office on April 9, 2007.

BRIEF ON APPEAL FEE

Authorization to charge Deposit Account No. 04-1105 for $620.00 is provided herewith,
including the appeal brief fee of $500, plus a one-month extension fee of $120. However, if for
any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the
Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

REAL PARTY IN INTEREST

The real party in interest is **Sharp Kabushiki Kaisha**. The assignment of the inventor to
this corporation was recorded on February 8, 2002 at Reel 012811, Frame 0583.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to Appellant, Appellant's legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-22 stand finally rejected. Claims 1-22 are appealed.

STATUS OF AMENDMENTS

No amendments have been filed after issuance of the Final Office Action.

A Pre-Appeal Brief Request for Review was filed on July 9, 2007. A Notice of Panel Decision from Pre-Appeal Brief Review issued on September 25, 2007, indicating that the application remains under appeal.

A clean set of the claims on appeal is set forth in the Claims Appendix hereto.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 8, 15, 17, and 18 are pending in the application.

Independent claim 1 recites "[e]lectronic book contents comprising a body data unit and a part data unit" (see, e.g., specification at page 2, lines 21-22). For example, referring to FIGS. 2 and 3 of the application, book information or contents includes body data 12 and part data 13 (see, e.g., specification at page 6, lines 23-25).

Independent claim 1 also recites that the body data unit includes "event data including a description for designating a display method and a first identifier for designating contents displayed on a display region." For example, event data 124 is depicted in FIG. 2, and an example of event data is depicted in FIG. 6, where the tag <ev_mdl> corresponds to "a method of reproducing the page as an event" (see specification at page 10, line 29 to page 11, line 1). The contents of each event are indicated as event data <ev> (see, e.g., specification at page 11, line 11 to page 13, line 25).

As further recited in independent claim 1, the part data unit includes "a file name of display data divided into a plurality of regions with said first identifier added thereto." As described on page 8, lines 19-24 of the specification, the part data unit 13 includes a plurality of image object entry units, text object entry units, and sound object entry units (see also specification at page 13, line 26 to page 15, line 11).

Further, as recited in independent claim 1, "the display data in said part data unit is entered as an object separately from said body data unit." For example, as described on page 19, lines 8-22 of the specification, a part of text data, image data, or the like "can be entered as an object, and display data is divided to allow the display data to be stored for each page." As shown in FIG. 3, the display data in the part data unit 13 includes objects entered separately from the body data unit 12.

Finally, independent claim 1 recites that "said body data unit includes no data to be actually displayed on the display region." Instead, as shown in FIG. 3, e.g., the body data unit 12 includes event data such as page data (see, e.g., specification at page 6, lines 26-33).

Independent claim 8 recites a "computer-readable recording medium having electronic contents recorded thereon," and includes a body data unit and a part data unit, as recited in independent claim 8. For example, referring to FIGS. 2 and 3 of the application, book information or contents includes body data 12 and part data 13 (see, e.g., specification at page 6, lines 23-25).

Independent claim 8 also recites that the body data unit includes "event data including a description for designating a display method and a first identifier for designating contents displayed on a display region." For example, event data 124 is depicted in FIG. 2, and an example of event data is depicted in FIG. 6, where the tag <ev_mdl> corresponds to "a method of reproducing the page as an event" (see specification at page 10, line 29 to page 11, line 1). The contents of each event are indicated as event data <ev> (see, e.g., specification at page 11, line 11 to page 13, line 25).

As further recited in independent claim 8, the part data unit includes "a file name of display data divided into a plurality of regions with said first identifier added thereto." As

described on page 8, lines 19-24 of the specification, the part data unit 13 includes a plurality of image object entry units, text object entry units, and sound object entry units (see also specification at page 13, line 26 to page 15, line 11).

Further, as recited in independent claim 8, "the display data in said part data unit is entered as an object separately from said body data unit." For example, as described on page 19, lines 8-22 of the specification, a part of text data, image data, or the like "can be entered as an object, and display data is divided to allow the display data to be stored for each page." As shown in FIG. 3, the display data in the part data unit 13 includes objects entered separately from the body data unit 12.

Finally, independent claim 8 recites that "said body data unit includes no data to be actually displayed on the display region." Instead, as shown in FIG. 3, e.g., the body data unit 12 includes event data such as page data (see, e.g., specification at page 6, lines 26-33).

Independent claim 15 recites an "electronic book display apparatus displaying electronic book contents including a body data unit and a part data unit." For example, referring to FIGS. 2 and 3 of the application, book information or contents includes body data 12 and part data 13 (see, e.g., specification at page 6, lines 23-25).

Independent claim 15 also recites that the body data unit includes "event data including a description for designating a display method and a first identifier for designating contents displayed on a display region." For example, event data 124 is depicted in FIG. 2, and an example of event data is depicted in FIG. 6, where the tag <ev_mdl> corresponds to "a method of reproducing the page as an event" (see specification at page 10, line 29 to page 11, line 1). The contents of each event are indicated as event data <ev> (see, e.g., specification at page 11, line 11 to page 13, line 25).

As further recited in independent claim 15, the part data unit includes "a file name of display data divided into a plurality of regions with said first identifier added thereto." As described on page 8, lines 19-24 of the specification, the part data unit 13 includes a plurality of image object entry units, text object entry units, and sound object entry units (see also specification at page 13, line 26 to page 15, line 11).

Further, as recited in independent claim 15, "the display data in said part data unit is entered as an object separately from said body data unit." For example, as described on page 19, lines 8-22 of the specification, a part of text data, image data, or the like "can be entered as an object, and display data is divided to allow the display data to be stored for each page." As shown in FIG. 3, the display data in the part data unit 13 includes objects entered separately from the body data unit 12.

Further, independent claim 15 recites that "said body data unit includes no data to be actually displayed on the display region." Instead, as shown in FIG. 3, e.g., the body data unit 12 includes event data such as page data (see, e.g., specification at page 6, lines 26-33).

Finally, as recited in independent claim 15, the electronic book display apparatus includes an event reading unit, an object reading unit, and a display unit (see, e.g., FIG. 12 and specification at page 21, lines 9-19).

Independent claim 17 recites an "electronic book transmission apparatus transmitting electronic book contents including a body data unit and a part data unit." For example, referring to FIGS. 2 and 3 of the application, book information or contents includes body data 12 and part data 13 (see, e.g., specification at page 6, lines 23-25).

Independent claim 17 also recites that the body data unit includes "event data including a description for designating a display method and a first identifier for designating contents displayed on a display region." For example, event data 124 is depicted in FIG. 2, and an example of event data is depicted in FIG. 6, where the tag <ev_mdl> corresponds to "a method of reproducing the page as an event" (see specification at page 10, line 29 to page 11, line 1). The contents of each event are indicated as event data <ev> (see, e.g., specification at page 11, line 11 to page 13, line 25).

As further recited in independent claim 17, the part data unit includes "a file name of display data divided into a plurality of regions with said first identifier added thereto." As described on page 8, lines 19-24 of the specification, the part data unit 13 includes a plurality of image object entry units, text object entry units, and sound object entry units (see also specification at page 13, line 26 to page 15, line 11).

Further, as recited in independent claim 17, "the display data in said part data unit is entered as an object separately from said body data unit." For example, as described on page 19, lines 8-22 of the specification, a part of text data, image data, or the like "can be entered as an object, and display data is divided to allow the display data to be stored for each page." As shown in FIG. 3, the display data in the part data unit 13 includes objects entered separately from the body data unit 12.

Further, independent claim 17 recites that "said body data unit includes no data to be actually displayed on the display region." Instead, as shown in FIG. 3, e.g., the body data unit 12 includes event data such as page data (see, e.g., specification at page 6, lines 26-33).

Finally, as recited in independent claim 17, the electronic book transmission apparatus includes a storage unit and a transmission unit (see specification at page 24, line 6 to page 25, line 5).

Independent claim 18 recites a "computer data signal generated by encoding electronic book contents processed by a computer to be displayed on a display screen, said data signal being a carrier transmitted via a network," where the electronic book contents include a body data unit and a part data unit. For example, referring to FIGS. 2 and 3 of the application, book information or contents 1 includes body data 12 and part data 13 (see specification at page 6, lines 23-25).

Independent claim 18 also recites that the body data unit includes "event data including a description for designating a display method and a first identifier for designating contents displayed on a display region." For example, event data 124 is depicted in FIG. 2, and an example of event data is depicted in FIG. 6, where the tag <ev_mdl> corresponds to "a method of reproducing the page as an event" (see specification at page 10, line 29 to page 11, line 1). The contents of each event are indicated as event data <ev> (see, e.g., specification at page 11, line 11 to page 13, line 25).

As further recited in independent claim 18, the part data unit includes "a file name of display data divided into a plurality of regions with said first identifier added thereto." As described on page 8, lines 19-24 of the specification, the part data unit 13 includes a plurality of

image object entry units, text object entry units, and sound object entry units (see also specification at page 13, line 26 to page 15, line 11).

Further, as recited in independent claim 18, "the display data in said part data unit is entered as an object separately from said body data unit." For example, as described on page 19, lines 8-22 of the specification, a part of text data, image data, or the like "can be entered as an object, and display data is divided to allow the display data to be stored for each page." As shown in FIG. 3, the display data in the part data unit 13 includes objects entered separately from the body data unit 12.

Finally, independent claim 18 recites that "said body data unit includes no data to be actually displayed on the display region." Instead, as shown in FIG. 3, e.g., the body data unit 12 includes event data such as page data (see, e.g., specification at page 6, lines 26-33).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 2, 8, 9, and 18 are unpatentable under 35 USC §103(a) over "The Declaration of Independence A History" (hereinafter "History") in view of "Cascading Style Sheets, level 1" (hereinafter "Style").

Whether claims 6, 13, 15, and 17 are unpatentable under 35 USC §103(a) over History in view of Style, and further in view of U.S. Patent Application Publication US 2002/0049833 to Kikinis (hereinafter "Kikinis").

ARGUMENT

The arguments contained herein pertain to the grounds of rejection listed above, i.e., claims 1, 2, 8, 9, and 18 are not obvious over the History document in view of the Style document, and claims 6, 13, 15, and 17 are not obvious over History in view of Style, and further in view of Kikinis. The following subheadings I to III address shortcomings in these grounds of rejection. In summary, independent claims 1, 8, 15, 17, and 18 are patentable over the proposed combinations involving the History, Style, and Kikinis references, and the final rejection should be vacated. Moreover, the remaining dependent claims are patentable over these references.

I.   **There is no teaching or suggestion in the History document of "a body data unit and a part data unit," as recited in independent claims 1, 8, 15, 17, and 18.**

On page 2 of the Final Office Action, the Examiner alleged that the History document discloses "a body data unit and a part data unit." However, the Examiner has not identified any structure or function in the History document that would allegedly correspond to the Appellant's claimed "body data unit" or "part data unit."

Instead, on page 2 of the Final Office Action, the Examiner merely stated:

> The part data unit is entered as an object separately from the body data unit (page 1: Here the data to be displayed is contained between tags. This data is part data and is separate from the body data that merely discloses the formatting for part data)."

However, the History document discloses various elements appearing inside the <BODY> and </BODY> tags, including both display content and formatting data (see page 1 of the History document, as cited in the Final Office Action).

There is simply no teaching or suggestion of a "body data unit" and a "part data unit" in the History document, where the body data unit and part data unit are separate elements having different structures and functions as recited in independent claims 1, 8, 15, 17, and 18.

II.   **The Style document, whether taken alone or in combination with the History document, does not teach or suggest a body data unit that "includes no data to be actually displayed on the display region," as recited in independent claims 1, 8, 15, 17, and 18.**

On page 3, third paragraph of the Final Office Action, the Examiner admitted that the History document does not teach or suggest a body data unit that "includes no data to be actually displayed on the display region."

The Style document was cited allegedly to remedy at least this deficiency of the History document. In particular, the Examiner alleged that in Style, "the style sheet data (body data) does not contain any data to be actually displayed on the screen, instead it references the part data, via a file name, which is rendered, in accordance to the style sheet, for display)" (page 3, last full paragraph of the Final Office Action).

It appears that the Examiner is interpreting "body data" in the Style document as referring **only** to a style element, for example, the following line of HTML code:

<P STYLE="color: green">.

If combined with the History document, the STYLE element of the Style document would necessarily be included inside the <BODY> and </BODY> tags, as all such content appears between these tags in the History document.

Therefore, there would be no teaching or suggestion in the proposed combination of the History document in view of the Style document of a body data unit and a part data unit, where the body data unit "includes no data to be actually displayed on the display screen," as recited in independent claims 1, 8, 15, 17, and 18.

III.   One of ordinary skill in the art would understand that body data is not limited to only a particular style element, but rather encompasses all elements appearing between the <BODY> and </BODY> tags.

For example, in basic HTML programming, the "BODY" of an HTML document is described as the information appearing between the <body> tag and its corresponding end tag (see document titled "A Beginner's Guide to HTML," which was previously cited by Appellant in an Information Disclosure Statement filed on December 23, 2005).

In other words, the "body data" in the Style document must include all elements appearing inside the <BODY> and </BODY> tags, in order to be consistent with the History document, and with generally understood HTML programming code.

As such, because the "body data" includes display data in the History and Style documents, even if these references were somehow combined, there would be no teaching or suggestion of a body data unit that "includes no data to be actually displayed on the display screen" as recited in independent claims 1, 8, 15, 17, and 18.

Appellant submits that all of the claims under final rejection are in condition for allowance and should be allowed, and that the Final Office Action should be vacated.

Respectfully submitted,

/Steven M. Jensen/

Date: November 25, 2007

Steven M. Jensen
(Reg. No. 42,693)
Edwards Angell Palmer & Dodge
P.O. Box 55874
Boston, MA 02205

Phone: (617) 239-0100

Customer No. 21874

CLAIMS APPENDIX

Claim 1 (previously presented): Electronic book contents comprising a body data unit and a part

data unit,

    said body data unit including event data including a description for designating a display

method and a first identifier for designating contents displayed on a display region, and

    said part data unit including a file name of display data divided into a plurality of regions

with said first identifier added thereto,

    wherein the display data in said part data unit is entered as an object separately from said

body data unit, and

    said body data unit includes no data to be actually displayed on the display region.

Claim 2 (previously presented): The electronic book contents according to claim 1, wherein

    said event data includes a description for designating said display method for each page

and said first identifier.

Claim 3 (previously presented): The electronic book contents according to claim 1, wherein

    said event data further includes a second identifier for designating sound data to be

reproduced, and

    said part data unit further includes a file name of the sound data divided into a plurality of

regions with said second identifier added thereto.

Claim 4 (previously presented): The electronic book contents according to claim 3, wherein

said display data includes text data and image data, and

at least two types of copyright information are described for said text data, said image

data and said sound data.

Claim 5 (previously presented): The electronic book contents according to claim 1, wherein

said body data unit includes a plurality of event data corresponding to a plurality of

display forms.

Claim 6 (previously presented): The electronic book contents according to claim 1, wherein

said electronic book contents comprise a plurality of body data units corresponding to

types of electronic book display apparatuses.

Claim 7 (previously presented): The electronic book contents according to claim 1, wherein

said body data unit further includes chapter structure information describing a chapter

structure of a book, and

said chapter structure information describes information for designating a method of

controlling trial reading for each chapter.

Claim 8 (previously presented): A computer-readable recording medium having electronic book contents recorded thereon, said electronic book contents including a body data unit and a part data unit,

said body data unit including event data including a description for designating a display method and a first identifier for designating contents displayed on a display region, and

said part data unit including a file name of display data divided into a plurality of regions with said first identifier added thereto,

wherein the display data in said part data unit is entered as an object separately from said body data unit, and

said body data unit includes no data to be actually displayed on the display region.

Claim 9 (previously presented): The recording medium having the electronic book contents recorded thereon according to claim 8, wherein

said event data includes a description for designating said display method for each page and said first identifier.

Claim 10 (previously presented): The recording medium having the electronic book contents recorded thereon according to claim 8, wherein

said event data further includes a second identifier for designating sound data to be reproduced, and

said part data unit further includes a file name of the sound data divided into a plurality of

regions with said second identifier added thereto.

Claim 11 (previously presented): The recording medium having the electronic book contents recorded thereon according to claim 10, wherein

said display data includes text data and image data, and

at least two types of copyright information are described for said text data, said image data and said sound data.

Claim 12 (previously presented): The recording medium having the electronic book contents recorded thereon according to claim 8, wherein

said body data unit includes a plurality of event data corresponding to a plurality of display forms.

Claim 13 (previously presented): The recording medium having the electronic book contents recorded thereon according to claim 8, wherein

said electronic book contents include a plurality of body data units corresponding to types of electronic book display apparatuses.

Claim 14 (previously presented): The recording medium having the electronic book contents recorded thereon according to claim 8, wherein

said body data unit further includes chapter structure information describing a chapter

structure of a book, and

said chapter structure information describes information for designating a method of controlling trial reading for each chapter.

Claim 15 (previously presented): An electronic book display apparatus displaying electronic book contents including a body data unit and a part data unit,

said body data unit including event data including a description for designating a display method and a first identifier for designating contents displayed on a display region,

said part data unit including a file name of display data divided into a plurality of regions with said first identifier added thereto, wherein the display data in said part data unit is entered as an object separately from said body data unit, and said body data unit includes no data to be actually displayed on the display region, and

said electronic book display apparatus comprising:

an event reading unit reading said event data;

an object reading unit referring to the first identifier in the event data read by said event reading unit to read the display data in said part data unit; and

a display unit displaying the display data read by said object reading unit according to the description for designating the display region in the event data read by said event reading unit.

Claim 16 (previously presented): The electronic book display apparatus according to claim 15, wherein

said event data further includes a second identifier for designating sound data to be reproduced,

said part data unit further includes a file name of the sound data divided into a plurality of regions with said second identifier added thereto, and

said electronic book display apparatus further comprises:

a sound object reading unit referring to the second identifier in the event data read by said event reading unit to read the sound data in said part data unit; and

a reproduction unit reproducing the sound data read by said sound object reading unit.

Claim 17 (previously presented): An electronic book transmission apparatus transmitting electronic book contents including a body data unit and a part data unit,

said body data unit including event data including a description for designating a display method and a first identifier for designating contents displayed on a display region,

said part data unit including a file name of display data divided into a plurality of regions with said first identifier added thereto, wherein the display data in said part data unit is entered as an object separately from said body data unit, and said body data unit includes no data to be actually displayed on the display region, and

said electronic book transmission apparatus comprising:

a storage unit storing a plurality of said electronic book contents; and

a transmission unit transmitting desired electronic book contents from the plurality of electronic book contents stored in said storage unit.

Claim 18 (previously presented): A computer data signal generated by encoding electronic book contents processed by a computer to be displayed on a display screen, said data signal being a carrier transmitted via a network,

said electronic book contents including a body data unit and a part data unit,

said body data unit including event data including a description for designating a display method and a first identifier for designating contents displayed on a display region, and

said part data unit including a file name of display data divided into a plurality of regions with said first identifier added thereto,

wherein the display data in said part data unit is entered as an object separately from said body data unit, and

said body data unit includes no data to be actually displayed on the display region.

Claim 19 (previously presented): The electronic book contents according to claim 3, wherein each of said display data and sound data includes information for designating a trial reading control method.

Claim 20 (previously presented): The electronic book contents according to claim 5, wherein said plurality of event data include at least a double-page spread display-dedicated event, a single page display-dedicated event and an event executable for both a double-page spread display and a single page display.

Claim 21 (previously presented): The recording medium having the electronic book contents recorded thereon according to claim 10, wherein

each of said display data and sound data includes information for designating a trial reading control method.

Claim 22 (previously presented): The recording medium having the electronic book contents recorded thereon according to claim 12, wherein

said plurality of event data include at least a double-page spread display-dedicated event, a single page display-dedicated event and an event executable for both a double-page spread display and a single page display.

EVIDENCE APPENDIX

Attachment A   Copy of "The Declaration of Independence A History" ("History"), as

relied on by the Examiner in the Final Office Action.

Attachment B   Copy of "Cascading Style Sheets, level 1" ("Style"), as relied on by the

Examiner in the Final Office Action.

Attachment C   Copy of U.S. Patent Application Publication US 2002/0049833 to Kikinis

("Kikinis"), as relied on by the Examiner in the Final Office Action.

Attachment D   Copy of "A Beginner's Guide to HTML," as previously cited in the

Information Disclosure Statement filed on December 23, 2005.

RELATED PROCEEDINGS APPENDIX

None.